

# PCT

## REQUEST

The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty.

For receiving Office use only

International Application No.

International Filing Date

Name of receiving Office and "PCT International Application"

Applicant's or agent's file reference  
(if desired) (12 characters maximum) SMR/P73114PC

<b>Box No. I TITLE OF INVENTION</b> DISTRIBUTOR DEVICE	
<b>Box No. II APPLICANT</b>	
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)	
PYROTEK ENGINEERING MATERIALS LIMITED GARAMONDE DRIVE WYMBUSH MILTON KEYNES MK8 8LN G.B.	
<input type="checkbox"/> This person is also inventor.	
Telephone No.	
Facsimile No.	
Teleprinter No.	
State (that is, country) of nationality: G.B.	State (that is, country) of residence: G.B.
This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input checked="" type="checkbox"/> all designated States except the United States of America <input type="checkbox"/> the United States of America only <input type="checkbox"/> the States indicated in the Supplemental Box	
<b>Box No. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)</b>	
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)	
VINCENT, MARK 19 HYDRUS DRIVE LEIGHTON BUZZARD LU7 8UL G.B.	
This person is: <input type="checkbox"/> applicant only <input checked="" type="checkbox"/> applicant and inventor <input type="checkbox"/> inventor only (If this check-box is marked, do not fill in below.)	
State (that is, country) of nationality: G.B.	State (that is, country) of residence: G.B.
This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> all designated States except the United States of America <input checked="" type="checkbox"/> the United States of America only <input type="checkbox"/> the States indicated in the Supplemental Box	
<input checked="" type="checkbox"/> Further applicants and/or (further) inventors are indicated on a continuation sheet.	
<b>Box No. IV AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE</b>	
The person identified below is hereby/has been appointed to act on behalf of the applicant(s) before the competent International Authorities as: <input checked="" type="checkbox"/> agent <input type="checkbox"/> common representative	
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)	
RAYNOR, Simon Mark Urquhart-Dykes & Lord Midsummer House 411C Midsummer Boulevard Central Milton Keynes MK9 3BN United Kingdom	
Telephone No. +44 1908 666645	
Facsimile No. +44 1908 690478	
Teleprinter No.	
<input type="checkbox"/> Address for correspondence: Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.	

EL 998013218 us

Continuation of Box No. III FURTHER APPLICANTS AND/OR (FURTHER) INVENTORS	
<i>If none of the following sub-boxes is used, this sheet should not be included in the request.</i>	
<p>Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</p> <p>TREMBLAY, SYLVAIN 3824 DE VIENNE JONQUIERE QUEBEC G7X-9S3 CANADA</p>	<p>This person is:</p> <p><input type="checkbox"/> applicant only</p> <p><input checked="" type="checkbox"/> applicant and inventor</p> <p><input type="checkbox"/> inventor only (If this check-box is marked, do not fill in below.)</p>
State (that is, country) of nationality: CA	State (that is, country) of residence: CA
<p>This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> all designated States except the United States of America <input checked="" type="checkbox"/> the United States of America only <input type="checkbox"/> the States indicated in the Supplemental Box</p>	
<p>Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</p>	<p>This person is:</p> <p><input type="checkbox"/> applicant only</p> <p><input type="checkbox"/> applicant and inventor</p> <p><input type="checkbox"/> inventor only (If this check-box is marked, do not fill in below.)</p>
State (that is, country) of nationality:	State (that is, country) of residence:
<p>This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> all designated States except the United States of America <input type="checkbox"/> the United States of America only <input type="checkbox"/> the States indicated in the Supplemental Box</p>	
<p>Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</p>	<p>This person is:</p> <p><input type="checkbox"/> applicant only</p> <p><input type="checkbox"/> applicant and inventor</p> <p><input type="checkbox"/> inventor only (If this check-box is marked, do not fill in below.)</p>
State (that is, country) of nationality:	State (that is, country) of residence:
<p>This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> all designated States except the United States of America <input type="checkbox"/> the United States of America only <input type="checkbox"/> the States indicated in the Supplemental Box</p>	
<p>Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</p>	<p>This person is:</p> <p><input type="checkbox"/> applicant only</p> <p><input type="checkbox"/> applicant and inventor</p> <p><input type="checkbox"/> inventor only (If this check-box is marked, do not fill in below.)</p>
State (that is, country) of nationality:	State (that is, country) of residence:
<p>This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> all designated States except the United States of America <input type="checkbox"/> the United States of America only <input type="checkbox"/> the States indicated in the Supplemental Box</p>	
<p><input type="checkbox"/> Further applicants and/or (further) inventors are indicated on another continuation sheet.</p>	

**Box No.V DESIGNATION OF STATES**

The following designations are hereby made under Rule 4.9(a) (mark the applicable check-boxes; at least one must be marked):

**Regional Patent**

- ☒ **AP ARIPO Patent:** GH Ghana, GM Gambia, KE Kenya, LS Lesotho, MW Malawi, SD Sudan, SL Sierra Leone, SZ Swaziland, TZ United Republic of Tanzania, UG Uganda, ZW Zimbabwe, and any other State which is a Contracting State of the Harare Protocol and of the PCT
- ☒ **EA Eurasian Patent:** AM Armenia, AZ Azerbaijan, BY Belarus, KG Kyrgyzstan, KZ Kazakhstan, MD Republic of Moldova, RU Russian Federation, TJ Tajikistan, TM Turkmenistan, and any other State which is a Contracting State of the Eurasian Patent Convention and of the PCT
- ☒ **EP European Patent:** AT Austria, BE Belgium, CH and LI Switzerland and Liechtenstein, CY Cyprus, DE Germany, DK Denmark, ES Spain, FI Finland, FR France, GB United Kingdom, GR Greece, IE Ireland, IT Italy, LU Luxembourg, MC Monaco, NL Netherlands, PT Portugal, SE Sweden, and any other State which is a Contracting State of the European Patent Convention and of the PCT
- ☒ **OA OAPI Patent:** BF Burkina Faso, BJ Benin, CF Central African Republic, CG Congo, CI Côte d'Ivoire, CM Cameroon, GA Gabon, GN Guinea, GW Guinea-Bissau, ML Mali, MR Mauritania, NE Niger, SN Senegal, TD Chad, TG Togo, and any other State which is a member State of OAPI and a Contracting State of the PCT (if other kind of protection or treatment desired, specify on dotted line)

**National Patent** (if other kind of protection or treatment desired, specify on dotted line):

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> <b>AE</b> United Arab Emirates                  | <input checked="" type="checkbox"/> <b>LR</b> Liberia                                   |
| <input checked="" type="checkbox"/> <b>AL</b> Albania                               | <input checked="" type="checkbox"/> <b>LS</b> Lesotho                                   |
| <input checked="" type="checkbox"/> <b>AM</b> Armenia                               | <input checked="" type="checkbox"/> <b>LT</b> Lithuania                                 |
| <input checked="" type="checkbox"/> <b>AT</b> Austria                               | <input checked="" type="checkbox"/> <b>LU</b> Luxembourg                                |
| <input checked="" type="checkbox"/> <b>AU</b> Australia                             | <input checked="" type="checkbox"/> <b>LV</b> Latvia                                    |
| <input checked="" type="checkbox"/> <b>AZ</b> Azerbaijan                            | <input checked="" type="checkbox"/> <b>MA</b> Morocco                                   |
| <input checked="" type="checkbox"/> <b>BA</b> Bosnia and Herzegovina                | <input checked="" type="checkbox"/> <b>MD</b> Republic of Moldova                       |
| <input checked="" type="checkbox"/> <b>BB</b> Barbados                              | <input checked="" type="checkbox"/> <b>MG</b> Madagascar                                |
| <input checked="" type="checkbox"/> <b>BG</b> Bulgaria                              | <input checked="" type="checkbox"/> <b>MK</b> The former Yugoslav Republic of Macedonia |
| <input checked="" type="checkbox"/> <b>BR</b> Brazil                                | <input checked="" type="checkbox"/> <b>MN</b> Mongolia                                  |
| <input checked="" type="checkbox"/> <b>BY</b> Belarus                               | <input checked="" type="checkbox"/> <b>MW</b> Malawi                                    |
| <input checked="" type="checkbox"/> <b>CA</b> Canada                                | <input checked="" type="checkbox"/> <b>MX</b> Mexico                                    |
| <input checked="" type="checkbox"/> <b>CH and LI</b> Switzerland and Liechtenstein  | <input checked="" type="checkbox"/> <b>NO</b> Norway                                    |
| <input checked="" type="checkbox"/> <b>CN</b> China                                 | <input checked="" type="checkbox"/> <b>NZ</b> New Zealand                               |
| <input checked="" type="checkbox"/> <b>CR</b> Costa Rica                            | <input checked="" type="checkbox"/> <b>PL</b> Poland                                    |
| <input checked="" type="checkbox"/> <b>CU</b> Cuba                                  | <input checked="" type="checkbox"/> <b>PT</b> Portugal                                  |
| <input checked="" type="checkbox"/> <b>CZ</b> Czech Republic                        | <input checked="" type="checkbox"/> <b>RO</b> Romania                                   |
| <input checked="" type="checkbox"/> <b>DE</b> Germany                               | <input checked="" type="checkbox"/> <b>RU</b> Russian Federation                        |
| <input checked="" type="checkbox"/> <b>DK</b> Denmark                               | <input checked="" type="checkbox"/> <b>SD</b> Sudan                                     |
| <input checked="" type="checkbox"/> <b>DM</b> Dominica                              | <input checked="" type="checkbox"/> <b>SE</b> Sweden                                    |
| <input checked="" type="checkbox"/> <b>EE</b> Estonia                               | <input checked="" type="checkbox"/> <b>SG</b> Singapore                                 |
| <input checked="" type="checkbox"/> <b>ES</b> Spain                                 | <input checked="" type="checkbox"/> <b>SI</b> Slovenia                                  |
| <input checked="" type="checkbox"/> <b>FI</b> Finland                               | <input checked="" type="checkbox"/> <b>SK</b> Slovakia                                  |
| <input checked="" type="checkbox"/> <b>GB</b> United Kingdom                        | <input checked="" type="checkbox"/> <b>SL</b> Sierra Leone                              |
| <input checked="" type="checkbox"/> <b>GD</b> Grenada                               | <input checked="" type="checkbox"/> <b>TJ</b> Tajikistan                                |
| <input checked="" type="checkbox"/> <b>GE</b> Georgia                               | <input checked="" type="checkbox"/> <b>TM</b> Turkmenistan                              |
| <input checked="" type="checkbox"/> <b>GH</b> Ghana                                 | <input checked="" type="checkbox"/> <b>TR</b> Turkey                                    |
| <input checked="" type="checkbox"/> <b>GM</b> Gambia                                | <input checked="" type="checkbox"/> <b>TT</b> Trinidad and Tobago                       |
| <input checked="" type="checkbox"/> <b>HR</b> Croatia                               | <input checked="" type="checkbox"/> <b>TZ</b> United Republic of Tanzania               |
| <input checked="" type="checkbox"/> <b>HU</b> Hungary                               | <input checked="" type="checkbox"/> <b>UA</b> Ukraine                                   |
| <input checked="" type="checkbox"/> <b>ID</b> Indonesia                             | <input checked="" type="checkbox"/> <b>UG</b> Uganda                                    |
| <input checked="" type="checkbox"/> <b>IL</b> Israel                                | <input checked="" type="checkbox"/> <b>US</b> United States of America                  |
| <input checked="" type="checkbox"/> <b>IN</b> India                                 |   |
| <input checked="" type="checkbox"/> <b>IS</b> Iceland                               |   |
| <input checked="" type="checkbox"/> <b>JP</b> Japan                                 | <input checked="" type="checkbox"/> <b>UZ</b> Uzbekistan                                |
| <input checked="" type="checkbox"/> <b>KE</b> Kenya                                 | <input checked="" type="checkbox"/> <b>VN</b> Viet Nam                                  |
| <input checked="" type="checkbox"/> <b>KG</b> Kyrgyzstan                            | <input checked="" type="checkbox"/> <b>YU</b> Yugoslavia                                |
| <input checked="" type="checkbox"/> <b>KP</b> Democratic People's Republic of Korea | <input checked="" type="checkbox"/> <b>ZA</b> South Africa                              |
|   | <input checked="" type="checkbox"/> <b>ZW</b> Zimbabwe                                  |
| <input checked="" type="checkbox"/> <b>KR</b> Republic of Korea                     |   |
| <input checked="" type="checkbox"/> <b>KZ</b> Kazakhstan                            |   |
| <input checked="" type="checkbox"/> <b>LC</b> Saint Lucia                           |   |
| <input checked="" type="checkbox"/> <b>LK</b> Sri Lanka                             |   |

Check-boxes reserved for designating States which have become party to the PCT after issuance of this sheet:

- ☒ (DZ). ALGERIA .. (AG). ANTIQUA & BARBUDA  
☒ (BZ). BELIZE ... (MZ). MOZAMBIQUE

**Precautionary Designation Statement:** In addition to the designations made above, the applicant also makes under Rule 4.9(b) all other designations which would be permitted under the PCT except any designation(s) indicated in the Supplemental Box as being excluded from the scope of this statement. The applicant declares that those additional designations are subject to confirmation and that any designation which is not confirmed before the expiration of 15 months from the priority date is to be regarded as withdrawn by the applicant at the expiration of that time limit. (Confirmation (including fees) must reach the receiving Office within the 15-month time limit.)


<b>Box No. VI PRIORITY CLAIM</b>					<input type="checkbox"/> Further priority claims are indicated in the Supplemental Box.
Filing date of earlier application (day/month/year)	Number of earlier application	Where earlier application is:			
		national application: country	regional application: * regional Office	international application: receiving Office	
item (1)  05.08.99.	9918350.1	G.B.			
item (2)					
item (3)					

☒ The receiving Office is requested to prepare and transmit to the International Bureau a certified copy of the earlier application(s) (only if the earlier application was filed with the Office which for the purposes of the present international application is the receiving Office) identified above as item(s): 1

\* Where the earlier application is an ARIPO application, it is mandatory to indicate in the Supplemental Box at least one country party to the Paris Convention for the Protection of Industrial Property for which that earlier application was filed (Rule 4.10(b)(ii)). See Supplemental Box.

<b>Box No. VII INTERNATIONAL SEARCHING AUTHORITY</b>			
<b>Choice of International Searching Authority (ISA)</b> (if two or more International Searching Authorities are competent to carry out the international search, indicate the Authority chosen; the two-letter code may be used):		<b>Request to use results of earlier search; reference to that search</b> (if an earlier search has been carried out by or requested from the International Searching Authority):	
ISA /		Date (day/month/year)	Number Country (or regional Office)

<b>Box No. VIII CHECK LIST; LANGUAGE OF FILING</b>	
This international application contains the following number of sheets: request : 4 description (excluding sequence listing part) : 10 claims : 3 abstract : 1 drawings : 5 sequence listing part of description : Total number of sheets : 23	This international application is accompanied by the item(s) marked below: 1. <input checked="" type="checkbox"/> fee calculation sheet 2. <input type="checkbox"/> separate signed power of attorney 3. <input type="checkbox"/> copy of general power of attorney; reference number, if any: 4. <input type="checkbox"/> statement explaining lack of signature 5. <input type="checkbox"/> priority document(s) identified in Box No. VI as item(s): 6. <input type="checkbox"/> translation of international application into (language): 7. <input type="checkbox"/> separate indications concerning deposited microorganism or other biological material 8. <input type="checkbox"/> nucleotide and/or amino acid sequence listing in computer readable form 9. <input type="checkbox"/> other (specify):
Figure of the drawings which should accompany the abstract: <u>1</u>	Language of filing of the international application: <u>British</u>

<b>Box No. IX SIGNATURE OF APPLICANT OR AGENT</b>	
<i>Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the request).</i>	
 RAYNOR, Simon Mark AUTHORISED REPRESENTATIVE	

For receiving Office use only	
1. Date of actual receipt of the purported international application: 3. Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application: 4. Date of timely receipt of the required corrections under PCT Article 11(2): 5. International Searching Authority (if two or more are competent): <u>ISA /</u>	2. Drawings: <input type="checkbox"/> received: <input type="checkbox"/> not received: 6. <input type="checkbox"/> Transmittal of search copy delayed until search fee is paid.


For International Bureau use only	
Date of receipt of the record copy by the International Bureau:	

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>SMR/P73114PC</b>	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. <b>PCT/GB00/02951</b>	International filing date ( <i>day/month/year</i> ) <b>04/08/2000</b>	Priority date ( <i>day/month/year</i> ) <b>05/08/1999</b>
International Patent Classification (IPC) or national classification and IPC <b>B22D35/04</b>		
Applicant <b>PYROTEK ENGINEERING MATERIALS LIMITED</b>		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 3 sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li>I    <input checked="" type="checkbox"/> Basis of the report</li> <li>II   <input type="checkbox"/> Priority</li> <li>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li>IV   <input type="checkbox"/> Lack of unity of invention</li> <li>V    <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li>VI   <input type="checkbox"/> Certain documents cited</li> <li>VII <input checked="" type="checkbox"/> Certain defects in the international application</li> <li>VIII <input type="checkbox"/> Certain observations on the international application</li> </ul>		
Date of submission of the demand  <b>19/02/2001</b>	Date of completion of this report  <b>04.12.2001</b>	
Name and mailing address of the international preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer  <b>Fiala, F</b>  Telephone No. +49 89 2399 2925	



EL 99801321845

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB00/02951

## I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, pages:**

1-10 as originally filed

**Claims, No.:**

1-17 as received on 28/04/2001 with letter of 26/04/2001

**Drawings, sheets:**

1/5-5/5 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☒ the claims, Nos.: 1-17

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB00/02951

☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Yes:	Claims	1-17
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-17
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-17
	No:	Claims	

2. Citations and explanations  
see separate sheet

## VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:  
see separate sheet

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/GB00/02951

- 1). Reference is made again to the following document:  
US-A-3 111732

- 2). Novelty:

The subject-matter of independent claims 1,5,8,10 and 16 is novel over D1, which discloses only the features of the first portion of these claims.

Independent claim 10 does not lack novelty over D1 as previously stated. D1, in fact, does not disclose the features of a porous element including a bowl shaped mesh of woven material that is supported by said bowl-shaped receptacle. Although (see col. 5, l. 41-70), the bags may be applied to any outlet through which molten metal enters a casting mold support by the receptacle is not expressis verbis stated.

- 3). Inventive step:

Taking into account the arguments brought forward by the applicant in his letter/fax of reply dated 16. 10.01 it is considered that independent claims 1,5, 8, 10 and 16 are inventive.

- 4). However, claims 1 and 8 have not been amended to avoid an objection of lack of unity; both claims have an identical preamble of known features and the features of the characterising portion are different, therefore resulting in different "inventions".

- 5). The description is not in conformity with the claims as required by Rule 5.1(a)(iii) PCT.

Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.